IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL CASE NO. 3:23-cv-00031-MR

JOHN M. COPELAND,)
Plaintiff,))
VS.	
MECKLENBURG COUNTY JAIL, et al.,)) ORDER
Defendants.))

THIS MATTER is before the Court sua sponte.

The pro se incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983. [Doc. 1]. On September 1, 2023, the Court dismissed the Complaint on initial review. [Doc. 15]. The Court granted the Plaintiff 30 days to file a superseding Amended Complaint. [Id.]. The Plaintiff was cautioned that, "[s]hould Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice." [Id. at 14]. A copy of the Order on initial review was mailed to the Plaintiff at his address of record on the same day it was entered. On October 25, 2023, the Court granted the Plaintiff an extension of time to file his Amended Complaint until November 15, 2023. [Oct. 25, 2023 Text-Only Order].

The Plaintiff has failed to file a superseding Amended Complaint, and

the time to do so has expired. The Plaintiff appears to have abandoned this

action, and the Court is unable to proceed. This case will therefore be

dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails

to prosecute or to comply with these rules or a court order, a defendant may

move to dismiss the action or any claim against it."); Link v. Wabash R.R.

Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly

provide for sua sponte dismissal, Rule 41(b) does not imply any such

restriction and a court has the inherent power to dismiss a case for lack of

prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is DISMISSED

WITHOUT PREJUDICE.

The Clerk of Court is respectfully directed to terminate this action.

IT IS SO ORDERED.

Signed: December 20, 2023

Martin Reidinger

Chief United States District Judge